

Original Filed 5/21/07

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

VINICIO GASCA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civ. Case No. C 07-2121 JF
Crim. Case No. CR 06-0576 JF

ORDER DIRECTING UNITED
STATES TO RESPOND TO
§ 2255 MOTION

Petitioner,¹ a prisoner in federal custody, has filed a Motion to Vacate, Set Aside or Modify Sentence pursuant to 28 U.S.C. § 2255. IT IS ORDERED as follows:

_____(1) The Clerk of the Court shall (a) serve a copy of the Motion and a copy of this Order upon counsel for Respondent, the Office of the United States Attorney, Northern District of California and (b) serve a copy of this Order on Petitioner.

¹ This action was commenced by Vinicio Gasca on April 17, 2007, when he filed a "Motion For Time Reduction By An Inmate in Federal Custody Under (28 U.S.C. §2255)." That motion bore the heading of the underlying criminal proceeding, *United States v. Gasca*, Case No. CR 06-0576 JF. Because this is a separate action under 28 U.S.C. § 2255, Gasca is the Petitioner herein and the Government is the Respondent. The Clerk of the Court shall amend the docket to reflect the proper designations of the parties.

1 (2) Respondent shall, in writing and within thirty (30) days after receiving this Order,
2 file an opposition to the Motion showing cause why the Motion should not be granted.

3 (3) Petitioner may file a reply within twenty (20) days after receiving the opposition.

4 (4) Unless otherwise ordered by the Court, the matter will be deemed submitted upon
5 the filing of the reply or upon the expiration of time to file a reply.

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8 DATED: May 21, 2007

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11 JEREMY FOGEL
12 United States District Judge
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